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8 **UNITED STATES DISTRICT COURT**  
9 **CENTRAL DISTRICT OF CALIFORNIA**  
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12 DEWEY WEST,

13 Petitioner,

14 v.

15 MATTHEW CATE, Secretary of the  
16 California Department of Corrections and  
17 Rehabilitation,

18 Respondent.  
19  
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Case No. CV 11-6791-R (LAL)

**ORDER ACCEPTING REPORT AND  
RECOMMENDATION OF UNITED STATES  
MAGISTRATE JUDGE AND DENYING  
CERTIFICATE OF APPEALABILITY**

21 Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition, the Magistrate Judge's  
22 Report and Recommendation, Petitioner's Objection to the Report and Recommendation, and the  
23 remaining record, and has made a *de novo* determination.

24 Accordingly, IT IS ORDERED THAT:

- 25 1. The Report and Recommendation is approved and accepted;  
26 2. Judgment by entered denying the Petition and dismissing this action with  
27 prejudice; and  
28 3. The Clerk serve copies of this Order on the parties.

1           Additionally, for the reasons stated in the Report and Recommendation, the Court finds  
2 that Petitioner has not made a substantial showing of the denial of a constitutional right.<sup>1</sup> Thus,  
3 the Court declines to issue a certificate of appealability.

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6 DATED: July 16, 2015



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HONORABLE MANUEL L. REAL  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup> See 28 U.S.C. § 2253; Fed. R. App. P. 22(b); Miller-El v. Cockrell, 537 U.S. 322, 336, 123 S. Ct. 1029, 154 L. Ed. 2d 931 (2003).